

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 440

Case No. 83-6

July 8, 1985

(Fast-food Restaurant Provisions of the Regulations)

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on March 19 & 26, and April 2 & 19, 1984. At those hearing sessions, the Zoning Commission, on its own initiative, considered proposals to amend the text of the Zoning Regulations of the District of Columbia relative to the treatment of fast-food restaurants, pursuant to Section 9101 of the Zoning Regulations. The hearing was conducted in accordance with the provisions of Chapter 5 of the Rules of Practice and Procedure before the Zoning Commission.

On May 3, 1983 Advisory Neighborhood Commission - (ANC) 1B filed a petition which requested the Zoning Commission to consider a proposal from the ANC to amend the Regulations regarding fast-food restaurants. ANC-1B indicated that many fast-food restaurants were locating within its boundaries and having a negative impact on the residential character of its neighborhoods. ANC-1B believed that the low density commercial districts; e.g., C-1 and C-2-A Districts, were not intended to permit, as a matter-of-right, the type of commercial uses that generated the levels of activity as did fast-food restaurants. ANC-1B believed that the low density commercial districts that were located adjacent to or near low and medium density residential districts should prohibit or restrict the location of fast-food restaurants.

The present Regulations permit "restaurants" of all types, as a matter-of-right in the C-1 through M Districts and in the CR and W Districts. In the C-1 District, the specific prohibition of "drive-in" restaurant has been interpreted by the Zoning Administrator and the Board of Zoning Adjustment (BZA) to also prohibit "drive-through" restaurants. In the C-2 and less restrictive districts, a drive-through restaurant has been permitted. In the CR and W Districts, the drive-through restaurant is specifically prohibited.

The District of Columbia Office of Planning by memoranda dated August 5, and October 12, 1983, reviewed the ANC-1B petition, proposed amendments to the text of the Regulations

of its own, and recommended that the Commission schedule a public hearing on both proposals in order to provide maximum latitude for Commission consideration.

On December 19, 1983 at its regular monthly meeting the Zoning Commission authorized the scheduling of a public hearing for the proposal from ANC-1B (excluding the definitions), the proposal from the Office of Planning, and any other variation or combination of the proposals which responded to the relevant issues that were identified by the Commission. Those issues included, but were not limited to definition, location, parking, environmental impact, economic and developmental impact, etc.

The petition by ANC-1B proposed the following major amendments to the Zoning Regulations:

- a. Define standard restaurant, cafeteria restaurant and fast-food restaurant;
- b. Prohibit fast-food restaurants in C-1 Districts;
- c. Permit the use, as a special exception, in C-2-A and CR Districts with controls over screening, parking, etc., by the BZA, provided the use is not within 500 feet of an R-1 through R-5-A District. A cumulative impact standard was also imposed. A special exception process was implied for the W District;
- d. Permit the use, as a matter-of-right, in the C-2-B through M Districts, if the use was located 1000 feet or more from a low or medium density residential district; and
- e. Permit the use, as a special exception, in the C-2-B and C-2-C Districts, if located less than 1000 feet from a low or medium density residential district.

The Office of Planning, by memorandum dated March 9, 1984 and by testimony presented at the public hearing, proposed the following major amendments to the Regulations:

- a. Define restaurant, fast-food restaurant, and "drive-through";
- b. Continue to permit fast food restaurants, as a matter-of-right, in the C-3 through M Districts,
- c. Continue to permit the use in the CR and W Districts excluding drive-throughs, as a matter-of-right;
- d. Permit the use in the C-1 District excluding drive-throughs, as a matter-of-right, subject to satisfying provisions that address lot frontage, lot

location, lot separation, and site and dumpster screening criteria;

- e. Permit the use in the C-2 Districts excluding drive-throughs, as a matter-of-right, subject to satisfying provisions that address lot location, lot separation, and site and dumpster screening criteria; and
- f. Permit a drive-through as an accessory use in the C-1, C-2-A, C-3 through M Districts, subject to various provisions of the Regulations.

The District of Columbia Office of Business and Economic Development (OBED), by memorandum dated April 6, 1984 and by testimony presented at the public hearing, reported that the local fast-food restaurants play a very important role in the economy of the city. The OBED believes that the ANC-1B proposal was a disincentive for economic growth and provided little room for compromise. The economic impacts outweighs the occasional nuisance of noise and litter.

City Councilmember H.R. Crawford-Ward 7, by letter dated September 1983 requested the Commission to adopt regulations, on an emergency basis, to prohibit the location of fast-food restaurants in C-1 and C-2-A Districts. On November 21, 1983 at its regular monthly meeting, the Commission determined that "the immediate preservation of the public peace, health, safety, welfare or morals" did not require the adoption of regulations on an emergency basis.

In early February 1984 City Councilmember Frank Smith, Jr. - Ward 1, ANC-1C, ANC-2E, the ANC-2B01 Commissioner, and the 18th and Columbia Road Business Association requested the Commission to adopt emergency regulations to restrict the location of fast-food restaurants in the C-1 and C-2-A Districts. On February 13, 1984, the Commission again found no basis to adopt emergency regulations.

The Citizens Planning Coalition (CPC) presented an alternative proposal of its own at the public hearing. The major features of the CPC proposal were as follows:

- a. Define "drive-through" and restaurant;
- b. Categorize restaurants into Class I or Class II;
- c. Permit Class I Restaurants as a matter-of-right in the C-1 through C-5 (PAD), CR, W, CM, and M Districts with dumpster screening treatment;
- d. Permit Class II Restaurants as a special exception in the C-2, CR, W, and C-3 and CM (if located within 200 feet of a residential district). Districts, subject to

spacing, environmental impact, design and siting, and governmental review controls with a prohibition on drive-throughs, in the C-2 Districts; and

- e. Permit Class II Restaurants as a matter-of-right in the C-3 and CM (if located beyond 200 feet of a residential district), C-4, C-5 (PAD), and M Districts, subject to standard screening and litter controls with drive-throughs permitted.

Advisory Neighborhood Commissions (ANC) 1A, 1B, 1C, 1E, 2B, 2D, 2E, 3B, 3C, 3G, 4A, 4B, 7B, 7D, and 7E, by letters, resolutions, and/or testimony presented at the public hearing supported the proposal of ANC-1B. The issues and concerns that were identified by the various ANCs were primarily related to the affects of adverse impact from the following:

- a. Noise and sound resulting from the presence of a fast-food restaurant;
- b. Visual impact from bright lights, signage, open trash dumpsters, and inadequate buffering;
- c. Litter that is often found on neighboring properties;
- d. Loitering and disruption;
- e. Incompatibility and lack of urban design;
- f. Inadequate on-site parking;
- g. Inadequate vehicular and pedestrian safety controls relative to circulation and ingress/egress patterns;
- h. Cooking odors;
- i. Traffic congestion;
- j. Harbingering neighborhood crime; and
- k. Hours of operation.

The District of Columbia Council, by Resolution 5-641 dated April 30, 1984, urged the Zoning Commission to:

- a. Move expeditiously to amend the Zoning Regulations to provide that the legitimate rights of citizens to have a safe, trash-free environment are given equal consideration with the legitimate rights of businesses to operate in the District; and
- b. Review alternatives to ensure that neighborhood -

serving commercial areas are adequately protected from excessive concentration of fast-food restaurants.

Several City Councilmembers, and many organizations and persons, by letters and by testimony presented at the public hearing, supported, in whole or in part, the ANC-1B proposal, the Office of Planning proposal, and/or the Citizens Planning Coalition proposal. Issues and concerns that have not previously been identified include the following:

- a. On-site Landscaping and the maintenance thereof; and
- b. Loading.

Representatives of several restaurant businesses and chains, by letters and by testimony presented at the public hearing, opposed the proposals, in whole or in part, because they were too restrictive. At least one representative of a fast-food restaurant believed that certain negative spin-off affects were the problem and not the use itself. He recommended more effective controls over negative spin-off affects which resulted from the presence of fast-food restaurants; e.g., screening, siting, buffering, etc.

Representatives from the Marriott Corporation, by testimony presented at the public hearing and by statements submitted into the record, indicated that in 1983 in the District of Columbia, Marriott employed 800 people in twenty stores, paid \$4,037,012 in wages, paid \$146,296 in real estate taxes, and paid \$1,548,000 in sales taxes. The Marriott Corporation believed that its operations are a viable and needed part of the economy of the city, and opposed, in whole, the ANC-1B proposal and the Office of Planning's proposed definition of fast-food restaurant.

The Zoning Commission believes that fast-food restaurants attract or generate certain negative affects on neighboring residential districts. The Commission further believes that it must balance all of the interests involved, including the city, the residential neighborhoods, and the restaurant industry. The Commission however, is mindful that zoning does not resolve all of the problems associated with the advent of fast-food restaurants.

In consideration of all of the issues raised and testimony presented, the Commission is convinced that changes to the Regulations should be made. The Commission has therefore determined to do the following:

- A. Create a definition for a fast-food restaurant. The Commission believes that the impacts, particularly in terms of traffic generation and demand for parking, are such that the Zoning Regulations

can and should distinguish between high volume per square foot and fast turnover restaurants, as opposed to other restaurants where these impacts are not as great. In order to establish such distinctions, the two terms must be defined. The Commission believes that the criteria it has set forth in the definition of fast-food restaurant to distinguish between the two types of restaurants are generally indicative of the kind of restaurant which has a high volume and fast turnover of patrons, thus leading to a greater impact than a restaurant.

- B. Create a definition for a drive-through. In order to establish standards for regulating the queuing aspects of drive-throughs, to prevent congestion by way of back-ups onto public streets and alleys, the drive-through must first be defined.
- C. Continue to allow a fast-food restaurant in W and CR Districts, and continue to prohibit a drive-through. The W and CR Districts are mixed use districts, permitting a wide variety of heavy commercial uses. These districts are mapped in high activity areas. Both districts are designed to discourage automobile traffic, and a number of other automobile related uses are not permitted. It is therefore appropriate to continue to prohibit drive-through windows in fast-food restaurants.
- D. Prohibit a fast-food restaurant in C-1 Districts. According to the preamble to the C-1 District, the district is designed "to provide convenient retail and personal service establishments for the day-to-day needs of a small tributary area, with a minimum impact upon surrounding residential development." Given the generally narrow depth to which the C-1 District is mapped, the Commission believes that a fast-food restaurant should not be permitted in such a district, because the traffic and parking demand will adversely impact adjoining residential areas.
- E. Permit a fast-food restaurant in the C-2-A District, as a special exception, subject to review and approval by the Board of Zoning Adjustment (BZA), with site constraints and environmental impact criteria. The C-2-A District is generally mapped in areas outside the Downtown area, and is most often adjoined by residential areas zoned R-1, R-2, R-3 or R-4. The Commission believes that a fast-food restaurant in such a district may cause adverse affects on the

adjoining low density areas, particularly because of traffic, parking, noise, lighting and trash associated with a fast-food restaurant. The Commission is mindful of the economic benefits to the city that are associated with fast food restaurants. In an attempt to strike a balance between the differing interests, the Commission believes that the BZA process would permit fast food restaurants but would offer the opportunity to consider, on a case-by-case basis, any adverse affects that may be caused by a fast-food restaurant.

- F. Permit a fast-food restaurant in C-2-B and C-2-C Districts, subject to certain site restraints. The C-2-B and C-2-C Districts are generally located in higher density and higher activity areas than either the C-1 or C-2-A District. They more often adjoin areas zoned in the R-5 or less restrictive Districts. Consequently, the Commission believes that a fast-food restaurant can be permitted in the C-2-B and C-2-C Districts, provided that specific controls are included to minimize any direct impacts on adjoining residences.
- G. Permit a fast-food restaurant in C-3, C-4, C-5, C-M and M Districts. Such a use would be consistent with the other types of uses permitted in those zones, and would be generally appropriate in the locations that such zones are mapped.
- H. Establish more stringent parking standards for a fast-food restaurant than for other retail and service establishments in C-2 and C-3-A Districts for a free-standing building. Since the parking demand generated by a fast-food restaurant is significantly higher than for other retail and service uses, the Commission believes it is appropriate to establish a higher requirement for such a use in the C-2 and C-3-A Districts, where the impacts on adjoining areas are likely to be more significant. No additional parking would be required for a fast-food restaurant in row structures. Additional parking could generally not be provided for these structures, and even if it could be provided, it would likely be at the rear of the property facing the adjoining residential areas. In all other zones, a fast-food restaurant would be required to provide the same level of parking as other retail and service uses.

- I. Establish standards for a drive-through use. The Commission believes that standards must be applied to drive-through uses, particularly to prevent cars that are waiting for service from backing up into public streets and alleys, thereby causing congestion in the streets.

As to the concerns of the various ANC's, the Zoning Commission believes that in its action, it has addressed those concerns within its jurisdiction, including the environmental impact of noise, siting, screening, buffering, vehicular circulation, parking, etc. The Commission believes that crime, litter, loitering, and hours of operation are outside the zoning process.

The proposed amendments as approved by the Commission on July 9, 1984, were referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self Government and Governmental Reorganization Act. The NCPC, by report dated September 6, 1984, determined that the proposal would not adversely affect the Federal Establishment or other Federal interests in the National Capital nor be inconsistent with the Comprehensive Plan for the National Capital.

The Zoning Commission published a notice of proposed rule-making in the D.C. Register on September 7, 1984 and solicited written comments from interested individuals. The Commission reviewed the comments that were received at a special public meeting on November 5, 1984 and its regular monthly meeting on December 10, 1984. As a result of some of those comments, the Commission made some substantive revisions to the proposal, to modify and clarify the definition, and to allow fast food restaurants as special exception in C-2-A Districts.

The revised proposed amendments as approved by the Commission on December 10, 1984, were referred to the NCPC, under the terms of the District of Columbia Self Government and Governmental Reorganization Act. The NCPC, by report dated January 10, 1985, determined that the revised proposal would not adversely affect the Federal Establishment or other Federal interests in the National Capital nor be inconsistent with the Comprehensive Plan for the National Capital.

The Zoning Commission published a revised notice of proposed rulemaking in the D.C. Register on March 1, 1985 and solicited written comments from interested individuals. The Commission reviewed the comments that were received prior to its regular monthly meeting on April 8, 1985.

As a result of some of those comments, the Commission considered revisions to the revised proposal to disallow

fast food restaurants in the C-2-A District as a matter-of-right, and to require all fast food restaurants in C-2-A Districts to go to the BZA.

At that same meeting on April 8, 1985, the Corporation Counsel informed the Commission that the revised proposed definitions would be difficult to administer and/or defend. Consequently, the Commission deferred final action until it could solicit the advice and recommendations of the Corporation Counsel.

On May 13, 1985, at its regular monthly meeting, the Commission did not take final action but, in lieu thereof, approved a second revised proposal, including changes to the definition and to the regulations of fast food restaurants in C-2-A Districts, as described two paragraphs above. The Commission determined that its actions constituted some substantive revisions to the revised proposal that was published in the D.C. Register on March 1, 1985.

At that same meeting on May 13, 1985, the Office of Planning, the Office of the Corporation Counsel, and the Zoning Administrator informed the Commission that there had been an unusual increase in the number of applications for permits to build fast food restaurants in the C-1 and C-2-A Districts in the previous two months.

The Commission believed that the increase in the number of permit applications was motivated, in part, by an attempt to circumvent the proposed regulations. The Commission further believed that it was necessary to take immediate action to protect those low-density residential districts that were adjacent to low-density commercial districts, and to protect the health, safety and general welfare of the District of Columbia.

Pursuant to the authority set forth in Section 1-1506 of the D.C. Code, the Commission determined that an emergency existed and adopted the second revised proposal on an emergency basis, to take effect immediately and not to exceed 120 days "for the immediate preservation of the public peace, health, safety, welfare or morals".

The second revised proposed amendments, as approved by the Commission on May 13, 1985, were referred to the NCPC, under the terms of the District of Columbia Self Government and Governmental Reorganization Act. The NCPC, by report dated June 27, 1985, determined that the second revised proposal would not adversely affect the Federal Establishment or other Federal interests in the National Capital nor be inconsistent with the Comprehensive Plan for the National Capital.

The Zoning Commission published the second revised notice of proposed rulemaking in the D.C. Register on May 24, 1985, and solicited written comments from interested individuals. The only major issue raised that had not been directly considered by the Commission during its previous actions on the matter was whether a fast food restaurant in a C-3-A District that abuts a residential district should be required to be approved as a special exception.

The Commission reviewed the comments that were received and, at its regular monthly meeting on July 8, 1985, took final action on the second revised proposal. The Commission, however, determined that it would reserve final disposition of whether fast food establishments should locate in the C-2-B, C-2-C, and/or C-3-A Districts as a matter of right, or as a special exception. The Commission requested a further report from the Office of Planning on the location and impact of C-3-A Districts, prior to taking action on the request.

The Zoning Commission believes that the amendments to the Zoning Regulations contained herein are in the best interest of the District of Columbia and are consistent with the intent and purpose of the Zoning Regulations and Zoning Act. The new regulations are not inconsistent with the Goals and Policies element of the Comprehensive Plan. The Commission, in making its decision in this case, has accorded the ANCs the "great weight" to which they are entitled.

In consideration of the reasons set forth herein, the Zoning Commission of the District of Columbia hereby orders APPROVAL of amendments to the Zoning Regulations regarding fast restaurants.

The amendments set forth below reference the format and numbering system of 11 DCMR Zoning, dated May, 1984. The numbers contained in brackets reference the numbering system of the Provisional Edition of 11 DCMR, dated August, 1983. The specific amendments to the Regulations are as follows:

1. Amend §199.9 [Section 1202] by adding the following new definitions:

Restaurant - A place of business where food, drinks or refreshments are prepared and sold to customers primarily for consumption on the premises. This term shall include but not be limited to an establishment known as a cafe, lunch counter, cafeteria or other similar business, but shall not include a fast food restaurant. In a restaurant, any facilities for carry-out shall be clearly subordinate to the principal use providing prepared foods for consumption on the premises.

Restaurant, fast food - A place of business devoted to the preparation and retail sale of ready-to-consume food or beverages

for consumption on or off the premises. A restaurant will be considered a fast food restaurant if it has a drive-through. A restaurant will be considered a fast food restaurant if the floor space allocated and used for customer queuing self service for carry out and on-premises consumption is greater than ten percent (10%) of the total floor space on any one (1) floor which is accessible to the public, and it exhibits one (1) of the two (2) following characteristics:

- (a) At least sixty percent (60%) of the food items are already prepared or packaged before the customer places an order; and/or
- (b) The establishment primarily serves its food and beverages in disposable containers and provides disposable tableware.

This definition does not include an establishment known as retail grocery store, convenience store, ice cream parlor, delicatessen or other businesses selling food or beverages as an accessory use or for off-premises preparation and consumption.

Drive-through - A system designed to permit customers of a restaurant, fast food restaurant, bank, dry cleaning or other establishment to obtain goods or services by driving through the property and conducting the transaction while the customer remains within a motor vehicle. The system has two (2) major parts: a vehicular queuing lane or lanes, and one (1) or more service locations, where customers place orders or receive services, or both. No part of this definition shall be construed to apply to a gasoline service station.

2. Continue to permit a fast food restaurant in Waterfront Districts by amending existing §901.1(j) [Paragraph 4402.210] concerning private clubs and restaurants to read as follows:

901.1(j) [4402.210] Private club, restaurant or fast food restaurant, provided that a fast food restaurant shall not include a drive-through.

3. Continue to permit a fast food restaurant in CR Districts by amending existing §601.1(i) [Paragraph 4502.211] concerning private clubs and restaurants to read as follows:

601.1(i) [4502.211] Private club, restaurant or fast food restaurant, provided that a fast food restaurant shall not include a drive-through.

4. Prohibit a fast food restaurant in C-1 Districts by amending existing §701.4(q) [Sub-paragraph 5101.33q] concerning restaurants to read as follows:

701.4(q) [5101.33q] Restaurant, but not including a fast food restaurant or a drive-in restaurant.

5. Permit a fast food restaurant in C-2-A Districts as a special exception subject to review and approval by the Board of Zoning Adjustment by adding a new §733 [Paragraph 5102.48] as follows:

733 FAST FOOD RESTAURANTS IN C-2-A DISTRICTS

- 733.1 [5102.48] Fast food restaurants shall be permitted in a C-2-A District if approved by the Board of Zoning Adjustment, in accordance with the conditions specified in §3108 [Section 8207] of chapter 31 of this title, subject to the provisions of this section.
- 733.2 [a] No part of the lot on which the use is located shall be within twenty-five feet (25') of a Residence District unless separated therefrom by a street or alley.
- 733.3 [b] If any lot line of the lot abuts an alley containing a zone boundary line for a Residence District, a continuous brick wall at least six feet (6') in height and twelve inches (12") thick shall be constructed and maintained on the lot along the length of that lot line. The brick wall shall not be required in the case of a building which extends for the full width of its lot.
- 733.4 [c] Any refuse dumpsters shall be housed in a three (3) sided brick enclosure equal in height to the dumpster or six feet (6'), whichever is greater. The entrance to the enclosure shall include an opaque gate. The entrance shall not face a Residence District.
- 733.5 [d] The use shall not include a drive-through.
- 733.6 [e] There shall be no customer entrance in the side or rear of a building that faces a street or alley containing a zone boundary line for a Residence District.
- 733.7 [f] The use shall be designed and operated so as not to become objectionable to neighboring properties because of noise, sounds, odors, lights, hours of operation or other conditions.
- 733.8 [g] The use shall provide sufficient off-street parking, but no less than required by §2101.1 [Sub-section 7201.1], to accommodate the needs of patrons and employees.

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- 733.9 [h] The use shall be located and designed so as to create no dangerous or other objectionable traffic conditions.
- 733.10 [i] There shall be adequate facilities to allow deliveries to be made and trash to be collected without obstructing public rights-of-way or unreasonably obstructing parking spaces, aisles or driveways on the site.
- 733.11 [j] The Board may impose conditions pertaining to design, screening, lighting, soundproofing, off-street parking spaces, signs, method and hours of trash collection or any other matter necessary to protect adjacent or nearby property.
- 733.12 Each application submitted under this section shall be referred to the Office of Planning in accordance with the provisions of §725.

6. Permit a fast food restaurant in C-2-B and C-2-C Districts as a matter-of-right, by adding a new §721.3(s) [Sub-paragraph 5102.33s] as follows:

- 721.3(s) [5102.33s] Fast food restaurant, only in a C-2-B or C-2-C District, provided that:
- (1) No part of the lot on which the use is located shall be within twenty-five feet (25') of a Residence District unless separated therefrom by a street or alley;
 - (2) If any lot line of the lot abuts an alley containing a zone boundary line for a Residence District, a continuous brick wall at least six feet (6') in height and twelve inches (12") thick shall be constructed and maintained on the lot along the length of that lot line;
 - (3) Any refuse dumpsters shall be housed in a three (3) sided brick enclosure equal in height to the dumpster or six feet (6'), whichever is greater. The entrance to the enclosure shall include an opaque gate. The entrance shall not face a Residence District; and
 - (4) The use shall not include a drive-through.

7. Permit fast food restaurants as a matter-of-right in C-3 and less restrictive districts by adding a new §741.3(c) [Sub-paragraph 5103.333] as follows:

- 741.3(c) [5103.333] Fast food restaurant.

8. Permit a drive-through as an accessory use to a fast food restaurant, delicatessen or carry-out in C-3, C-4 and C-5 (PAD) Districts by adding new §§742.4, 752.4 and 761.6 [Paragraphs 5103.54, 5104.54 and 5105.54] as follows:

- 742.4 [5103.54] A drive-through accessory to a fast food restaurant, delicatessen or carry-out shall be permitted in a C-3 District, subject to the special provisions for drive-throughs set forth in §2304 [Section 7405].
- 752.4 [5104.54] A drive-through accessory to a fast food restaurant, delicatessen or carry-out shall be permitted in a C-4 District, subject to the special provisions for drive-throughs set forth in §2304 [Section 7405].
- 761.6 [5105.54] A drive-through accessory to a fast food restaurant, delicatessen or carry-out shall be permitted in a C-5(PAD) District, subject to the special provisions for drive-throughs set forth in §2304 [Section 7405].

9. Permit a drive-through as an accessory use to a fast food restaurant, delicatessen or carry-out in a C-M or M District by adding new §§801.9 and 821.5 [Paragraphs 6101.38 and 6102.34] as follows:

- 801.9 [6101.38] A drive-through accessory to a fast food restaurant, delicatessen or carry-out shall be permitted in a C-M District, subject to the special provisions for drive-throughs set forth in §2304 [Section 7405].
- 821.5 [6102.34] A drive-through accessory to a fast food restaurant, delicatessen or carry-out shall be permitted in an M District, subject to the special provisions for drive-throughs set forth in §2304 [Section 7405].

10. Establish parking requirements for fast food restaurants by adding to the table of parking requirements in §2101.1 [Sub-section 7201.1] under the general category of "COMMERCIAL BUILDINGS," the following:

Fast food restaurant:

C-2, C-3-A:

In a building having a side yard	In excess of 1,500 square feet, one for each additional 100 square feet of gross floor area and cellar floor area
In a building having no side yard.....	Same as required for retail or

service establishment in the
district in which located

All other Districts Same as required for retail or
service establishment in the
district in which located

11. Provide standards for drive-through uses by adding a
new §2304 [Section 7405] as follows:

2304 [Section 7405] DRIVE-THROUGH USES

- 2304.1 [7405.1] A driveway serving as a vehicle queuing lane
for a drive-through shall conform to the standards set
forth in this section.
- 2304.2 [7405.11] The queuing lane shall provide a minimum of
five (5) queuing lane spaces before the first service
location and one (1) queuing lane space after the last
service location before entering public space.
- 2304.3 [7405.12] Each queuing space shall be a minimum of ten
feet (10') in width by nineteen feet (19') in length and
shall constitute an exclusive queuing lane.
- 2304.4 [7405.13] The queuing lane shall not be the only entry
or exit lane on the premises.
- 2304.5 [7405.14] The queuing lane shall be paved and
maintained with materials which form an all-weather
impervious surface.
- 2304.6 [7405.15] No vehicular entrance or exit shall be within
forty feet (40') of a street intersection as measured
from the intersection of the curb lines extended.
- 2304.7 [7405.16] Any lighting used to illuminate the queuing
lane shall be so arranged that all direct rays of that
lighting are confined to the surface of the queuing
lane.

Vote of the Commission taken at the public meeting on July 9,
1984: 3-0 (Lindsley Williams, George M. White, and Walter B.
Lewis, to approve the proposal as amended - Maybelle T. Bennett
and John G. Parsons, not present not voting).


Vote of the Commission taken at the public meeting on December
10, 1984: 3-0 (Lindsley Williams, John G. Parsons, and Maybelle
T. Bennett, to approve the revised proposal - Patricia N.
Mathews, not voting not having participated in the case and
George M. White, not voting not having been present during the
discussion).


Vote of the Commission taken at the public meeting on May 13, 1985: 4-0 (Lindsley Williams, John G. Parsons, Maybelle T. Bennett and George M. White to approve the second revised proposal - Patricia N. Mathews, not voting not having participated in the case).

This order was adopted by a vote of the Commission taken at the public meeting on July 8, 1985 by a vote of 5-0 (Lindsley Williams, John G. Parsons, George M. White, Maybelle T. Bennett and Patricia N. Mathews to adopt as corrected).

In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission, this order is final and effective upon publication in the D.C. Register, specifically on

26 JUL 1985.


MAYBELLE T. BENNETT
Chairperson
Zoning Commission


STEVEN E. SHER
Executive Director
Zoning Secretariat

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